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11 **UNITED STATES DISTRICT COURT**  
12 **SOUTHERN DISTRICT OF CALIFORNIA**

13 Michele Bennett, Individually and on ) CASE NO.: 10-CV-2366 JLS BLM  
14 Behalf of All Others Similarly Situated, )  
15 Plaintiffs, ) JOINT MOTION FOR DISMISSAL OF  
16 v. ) ACTION WITH PREJUDICE AS TO  
17 Discover Card, a/k/a DFS Services, LLC, ) PLAINTIFF MICHELE BENNETT  
18 Defendant. ) AND WITHOUT PREJUDICE AS TO  
19 ) THE CLASS CLAIMS  
20 )  
21 ) HON. JANIS L. SAMMARTINO  
22 )

23 Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), plaintiff Michelle  
24 Bennett ("Bennett") and defendant Discover Card, a/k/a DFS Services, LLC,  
25 ("Discover"), by and through their respective undersigned counsel, hereby stipulate  
26 to the dismissal of this action with prejudice as to the individual claims of Bennett,  
27 and without prejudice as to the claims of the absent members Bennett purports to  
28

1 represent. Each of the parties to this Stipulation of Dismissal shall bear its own  
2 costs, attorneys' fees, and all other expenses incurred in connection with this action.

3 IT IS SO STIPULATED.

4 DATED: May 20, 2011

HYDE & SWIGART

6 By: /s/ Joshua B. Swigart  
7 Joshua B. Swigart

8 Attorneys for Plaintiff

9  
10 DATED: May 20, 2011

STROOCK & STROOCK & LAVAN LLP  
JULIA B. STRICKLAND  
LISA M. SIMONETTI  
SETH M. GOLDSTEIN

13 By: /s/ Seth M. Goldstein  
14 Seth M. Goldstein

15 Attorneys for Defendant

16 **Signature Certification**

17 Pursuant to Section 2(f)(4) of the Electronic Case Filing Administrative Policies and  
18 Procedures Manual, I hereby certify that the content of this document is acceptable to  
19 Seth M. Goldstein, counsel for Defendant and that I have obtained Mr. Goldstein's  
authorization to affix his electronic signature to this document.

20 DATED: May 20, 2011

HYDE & SWIGART

22 By: /s/ Joshua B. Swigart  
23 Joshua B. Swigart

24 Attorneys for Plaintiff